

Balance on hand from preceding year.....	\$4,836 10
Received from private patients.....	5,366 25
Counties—old indebtedness received.....	1,479 97
State appropriation received.....	55,482 74
All other sources.....	177 79

In all aggregating.....\$67,330 85  
Of this amount, for improvements, deduct.....20,447 93

Which left for annual support of the inmates .....\$46,891 92

This amount divided among the inmates gave \$138.32 for the support, care and maintenance of each of them; scarcely sufficient in the opinion of the committee for their proper comfort and support.

The committee do not anticipate that there will be anything of the annual appropriation left over at the end of the present year (February 28, 1881), and that of the remaining county indebtedness it is not expected that any of the balance thereof will be collected, and as far as revenues from private patients are concerned they are purely speculative and can not be relied on as a source of revenue, and we do not take the foregoing into account in recommending an appropriation.

The committee are further of the opinion that the salary of the superintendent, to-wit, \$1800, as allowed him by the last Legislature, is too small for the duty, labor and responsibility imposed on that officer, and that same should be increased to twenty-five hundred dollars; and also, that the pay of some of the other employees should be increased, and that some additional help should be employed. But aside from fixing the salary of the superintendent in the appropriation bill, we do not believe it to be the best policy of the Legislature in the matter of appropriation to go into details, but to make an appropriation in gross, and leave it to the board of directors of the institution to fix the salaries and pay off officers and employees, and to make the proper distribution of the fund for the support of the institution.

Your committee are of opinion from the foregoing considerations, that the appropriation per capita should be increased to \$150 for each inmate; and taking for a basis 379 inmates, the present number and full capacity of the institution, we have the honor to recommend an appropriation in gross of \$56,850 for the annual support of the institution for the next two years—that is, said amount for each year—and that in addition hereto an annual salary of twenty-five hundred dollars be allowed the superintendent; and that said gross sum be applied and appropriated through and by the board of directors.

Should said institution be enlarged, and its capacity increased, as is now contemplated, a larger appropriation will become necessary. We suggest, however, that should a bill be passed at this session for the enlargement of the institution, that it contain a special appropriation for the support of the inmates thereof on the same basis in this report, to-wit, \$150 for each additional inmate received.

The committee, in closing this report, deem it but just to an efficient officer to state that so far as we could judge the institution has been conducted with proper regard to the welfare and comforts of the inmates, and the best interest of the State.

All of which is respectfully submitted.

HENDERSON, Chairman.

Referred to the Committee on Finance.

On motion of Senator Homan, the Senate adjourned till Monday next at 10 A. M.

#### TWENTY-FOURTH DAY.

SENATE CHAMBER,  
AUSTIN, February 7, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

On motion of Senator Tilson, the reading of the journal of Saturday was dispensed with, and same adopted.

On motion of Senator Moore, Senator Ross was indefinitely excused on account of sickness and death in his family.

The President laid before the Senate a memorial of the Sunday school convention at Dallas, endorsing the Sunday law. Referred to Committee on State Affairs.

Also, a petition signed by citizens of Milam county, asking the Legislature to pass an act authorizing the people

of the State to vote on a change in the Constitution of the State so as to prohibit the manufacture and sale of alcoholic drinks, and making a violation of that law punishable by a fine of one thousand dollars and imprisonment for one year for each offense. Referred to Committee on Constitutional Amendments.

Senator Shannon introduced a bill entitled "An act to create the office of animal and hide inspector, to prescribe his duties and affix penalties, and to encourage stockraising." Referred to Committee on Stock and Stockraising.

Also, a bill entitled "An act to amend chapter 15, title 17, of the Penal Code of the State of Texas, by adding article 786." Referred to Judiciary Committee No. 2.

Senator Harris introduced a bill entitled "An act to amend article 2725, chapter 1, of title 68 of the Revised Civil Statutes of the State of Texas, adopted February 28, 1879." Referred to Judiciary Committee No. 1.

Senator Lightfoot introduced a bill entitled "An act for the relief of Thomas B. Hearne." Referred to Committee on Private Land Claims."

Senator Tilson introduced a bill entitled "An act to amend an act entitled 'an act to change and define the time of holding the terms of the district court in the Fifth Judicial District of the State of Texas,' passed by the Sixteenth Legislature, approved April 23, 1879." Referred to Committee on Judicial Districts.

Senator Wynne introduced a bill entitled "An act doubling the penalty of all offenses committed in the State of Texas with weapons the carrying of which is prohibited by law." Referred to Judiciary Committee No. 2.

Senate bill No. 10, entitled "An act to prescribe the requisites of indictments in certain cases," being special order, was taken up.

On motion of Senator Homan, the special order was postponed ten minutes, to take up Senate joint resolution No. 36, expressing sympathy with Ireland, which was accordingly taken up, read third time and passed.

The consideration of the special order, Senate bill No. 10, was resumed, bill read second time and ordered engrossed.

Senate joint resolution No. 12, "proposing to repeal section 56 of article 16 of the Constitution of the State of Texas," was taken up and read third time.

Senator Lightfoot offered the following substitute: Substitute by the adoption of the following:

That section 56 of article 16 of the Constitution of the State of Texas shall be so amended as to hereafter read as follows:

Section 56. The Legislature shall have no power to appropriate any of the public money for the purpose of paying the passage of of any emigrant to this State; but the Legislature may, from time to time, adopt such means as may be thought proper in order to invite and encourage immigration.

Senator Harris moved to amend substitute by inserting after the "power" the words "to establish an immigration bureau nor." Accepted.

The substitute was then lost by the following vote:

YEAS—12.		
Buchanan of Wood,	Houston,	Stubbs,
Gooch,	Lightfoot,	Swain,
Harris,	Martin of Cooke,	Terrell,
Hightower,	Rainey,	Tilson.
NAYS—14.		
Burges,	Lane,	Shannon,
Cooper,	Martin of Navarro,	Stewart,
Henderson,	Moore,	Weathered,
Homan,	Patton,	Wynne.
Lair,	Powers,	

Senator Lane offered the following substitute:

Be it resolved by the Legislature of the State of Texas, That section 56 of article 16 of the State Constitution be so amended as to read as follows:

Section 56. The Legislature may have the power to make an annual appropriation in an amount not to exceed three thousand dol-

lars for the purpose of inviting and encouraging immigration to our State.

Lost by the following vote:

YEAS—13.

Buchanan of Wood,	Hightower,	Terrell,
Burges,	Lair,	Tilson,
Cooper,	Lane,	Weatherred,
Gooch,	Powers,	Wynne.
Harris,		

NAYS—13.

Henderson,	Martin of Navarro,	Shannon,
Homan,	Moore,	Stewart,
Houston,	Patton,	Stubbs,
Lightfoot,	Rainey,	Swain.
Martin of Cooke,		

Senator Martin of Cooke offered the following substitute: Section 56. The Legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, nor for the purpose of paying the passage of any immigrant to Texas, but may appropriate not more than \$10,000 annually for the publication and dissemination of information calculated to induce immigration to the State.

Lost by the following vote:

YEAS—15.

Burges,	Houston,	Powers,
Gooch,	Lair,	Shannon,
Harris,	Lane,	Stubbs,
Henderson,	Lightfoot,	Weatherred,
Hightower,	Martin of Cooke,	Wynne.

NAYS—11.

Buchanan of Wood,	Moore,	Swain,
Cooper,	Patton,	Terrell,
Homan,	Rainey,	Tilson.
Martin of Navarro,	Stewart,	

Senator Terrell offered the following substitute:

"Public money shall not be used in support of a bureau of immigration, but the Legislature shall make ample provision for the collection and dissemination of statistics pertaining to our agricultural and other resources, to the end that all seeking new homes, knowing the advantages of Texas, may settle in our midst."

Adopted by the following vote:

YEAS—21.

Buchanan of Wood,	Houston,	Shannon,
Burges,	Lair,	Stubbs,
Cooper,	Lane,	Swain,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin of Cooke,	Tilson,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—5.

Homan,	Moore,	Stewart.
Martin of Navarro,	Patton,	

Senator Gooch offered the following amendment: Amend section 2 as follows: Strike out "the first Tuesday in July A. D. 1881," and insert "at the general election in the year 1882." Adopted by the following vote:

YEAS—23.

Buchanan of Wood,	Lair,	Rainey,
Cooper,	Lane,	Stubbs,
Gooch,	Lightfoot,	Swain,
Harris,	Martin of Cooke,	Terrell,
Henderson,	Martin of Navarro,	Tilson,
Hightower,	Moore,	Weatherred,
Homan,	Patton,	Wynne.
Houston,	Powers,	

NAYS—2.

Burges,	Stewart.
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Senator Gooch also offered the following amendment: "Amend caption and the bill so that it shall express the idea that this bill is to amend and not to repeal the section of the Constitution to which it relates." Adopted by the following vote:

YEAS—21.

Buchanan of Wood,	Harris,	Lane,
Burges,	Hightower,	Lightfoot,
Cooper,	Houston,	Martin of Cooke,
Gooch,	Lair,	Martin of Navarro,

Patton,	Stubbs,	Tilson,
Rainey,	Swain,	Weatherred,
Shannon,	Terrell,	Wynne.

NAYS—2.

Henderson,	Moore,	Stewart.
Homan,	Powers,	

Senators Stewart and Homan asked that the following protest be spread upon the journal:

PROTEST.

We vote no; first, because we believe the Legislature should be left free, as the original resolution proposes, to adopt such measures as may be deemed best for the promotion of immigration; second, because the pending amendment expresses a sentiment hurtful to the best interests and the reputation of the State, and calculated to discourage immigration to the Texas; third, because there is no material difference between this amendment and the Constitution as it now stands.

C. STEWART,  
W. K. HOMAN.

Senator Terrell offered the following amendment: Amend section 1 by inserting after the words "bureau of immigration," the words "or to pay the expenses of immigrants to Texas." Adopted by the following vote:

YEAS—19.

Buchanan of Wood,	Lair,	Stubbs,
Burges,	Lane,	Swain,
Cooper,	Lightfoot,	Terrell,
Gooch,	Patton,	Tilson,
Harris,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—6.

Homan,	Martin of Navarro,	Shannon,
Houston,	Moore,	Stewart.

The joint resolution was lost by the following vote, the Constitution requiring a two-thirds majority of all the enrolled members of the Senate:

YEAS—18.

Buchanan of Wood,	Lair,	Rainey,
Burges,	Lane,	Stubbs,
Gooch,	Lightfoot,	Terrell,
Harris,	Martin of Cooke,	Tilson,
Henderson,	Patton,	Weatherred,
Houston,	Powers,	Wynne.

NAYS—8.

Cooper,	Martin of Navarro,	Stewart,
Hightower,	Moore,	Swain.
Homan,	Ross,	

A message was received from the House, announcing the passage of Senate bill No. 31, entitled "An act to amend article 1547 of Revised Civil Statutes, passed February 21, 1879."

Also, Senate joint resolution No. 34, "Instructing our Senators and requesting our Representatives in Congress to use their endeavors to procure substantial and suitable appropriations for the attainment of a large draught of water on the bars of Brazos de Santiago, Aransas, Sabine Pass, and Pass Cavallo, in the State of Texas."

Also, the following House concurrent resolution:

*Resolved*, That whereas a large amount of fuel having been contracted for, for the use of the Seventeenth Legislature, greatly in excess of its necessities; therefore be it,

*Resolved by the House of Representatives, the Senate concurring*, That the Commissioner of Insurance, Statistics and History be authorized and required to sell the same, first to the departments of the State government; failing to effect sales to the departments, to then sell to any private individual; the proceeds of all the sales made in conformity to this resolution to be applied to the credit of the contingent fund of the Seventeenth Legislature.

Also, that Senate bill No. 11, entitled "An act to amend article 316 of the Penal Code of the State of Texas," had been indefinitely postponed.

Senator Lane, chairman of Committee on Finance, submitted the following reports:



COMMITTEE ROOM,  
AUSTIN, February 7, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration House bill No. 172, entitled "An act authorizing the County Commissioners' Court of Robertson county to issue bonds for the erection of a courthouse, and to levy a tax to pay for the same," and I am instructed to report the same back favorably and recommend that it do pass.

LANE, Chairman.

Bill read first time.

COMMITTEE ROOM  
AUSTIN, February 7, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Finance have had under consideration House bill No. 286, entitled "An act to make an appropriation for the pay of assistant clerks in the Comptroller's office for the month of February, 1881," and I am instructed to report the same back to the Senate, and recommend that it do pass.

LANE, Chairman.

Bill read first time.

On motion of Senator Shannon, regular business was postponed, and Senate joint resolution No. 22, "appointing a Committee on Representation and Apportionment," was taken up.

Senator Shannon moved to substitute this resolution by House concurrent resolution providing for the same. Ruled out of order, as the resolution in question was still in the hands of the committee.

Senator Gooch moved to refer the pending resolution, No. 22, to Committee on State Affairs.

Senator Houston moved the withdrawal of the House concurrent resolution, that he might offer a substitute.

Senator Gooch moved a call of the Senate. Call sustained. Roll called; absent, Senator Terrell.

Pending business went to the table.

Senator Swain entered a motion to reconsider Senate bill No. 10, "An act to prescribe the requisites of indictments in certain cases," and Senate joint resolution No. 12, "Joint resolution proposing to repeal section 56 of article 16 of the Constitution of the State of Texas."

The Senate was announced full, and consideration of pending business resumed.

The motion to withdraw concurrent resolution from the hands of committee was then withdrawn by Senator Houston.

Senator Gooch's motion to refer Senate joint resolution No. 22 to Committee on State Affairs was then adopted.

A message was received from the House announcing the passage by that body of Senate bill No. 38, entitled "An act to amend article 3812, title 79 of the Revised Civil Statutes of the State of Texas, passed by the Sixteenth Legislature, February 21, 1879. Also of Senate bill No. 46, entitled, "An act to amend article 1289, chapter 11, title 29 of the Revised Civil Statutes of the State of Texas."

Senator Swain, by leave, introduced a bill entitled "An act to amend article 375 of the Penal Code of the State of the State of Texas." Referred to Judiciary Committee No. 2.

On motion of Senator Henderson, the regular business was postponed and House bill No. 172, entitled, "An act authorizing the County Commissioners' Court of Robertson county to issue bonds for the erection of a court house and to levy a tax to pay for the same," was taken up.

On motion of Senator Henderson, rules were suspended and bill put upon its second reading by the following vote:

YEAS—24.

Buchanan of Wood,	Lane,	Shannon,
Burges,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Henderson,	Martin of Navarro,	Swain,
Hightower,	Moore,	Terrell,
Homan,	Patton,	Tilson,
Houston,	Powers,	Weatherred,
Lair,	Rainey,	Wynne.

NOT VOTING.

Cooper.

Read second time and passed to third reading.

Rules were further suspended and bill put upon its third reading by the following vote:

YEAS—23.

Burges,	Lane,	Shannon,
Gooch,	Lightfoot,	Stewart,
Harris,	Martin of Cooke,	Stubbs,
Henderson,	Martin of Navarro,	Terrell,
Hightower,	Moore,	Tilson,
Homan,	Patton,	Weatherred,
Houston,	Powers,	Wynne.
Lair,	Rainey,	

NOT VOTING—3.

Buchanan of Wood,	Cooper,	Swain.
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Bill read third time and passed by the following vote:

YEAS—23.

Buchanan of Wood,	Lair,	Rainey,
Burges,	Lane,	Shannon,
Gooch,	Lightfoot,	Stewart,
Harris,	Martin of Cooke,	Stubbs,
Henderson,	Martin of Navarro,	Swain,
Hightower,	Moore,	Weatherred,
Homan,	Patton,	Wynne.
Houston,	Powers,	

NOT VOTING—3.

Cooper,	Terrell,	Tilson.
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Senator Gooch entered a motion to reconsider the vote just taken.

On motion of Senator Powers, Senate joint resolution No. 34, with relation to securing deep water in certain harbors of the State of Texas, was taken up, and House amendments concurred in.

House joint resolution No. 11, "granting leave of absence to the Hon. Jo. Abbott, Judge of the Twenty-eighth Judicial District," was taken up, read third time and passed.

Senator Stubbs, by leave, introduced a bill, entitled "An act to amend article 235, title 10, of the Revised Civil Statutes, adopted February 21, 1879, providing for the better security of the records and papers in the offices of clerks of courts." Read by caption, and referred to Judiciary Committee No. 1.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, February 7, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have examined the following Senate joint resolutions: No. 10, Joint resolution requiring the employment of female clerks; No. 27, Joint resolution proposing to amend section 24 of article 3 of the Constitution of the State of Texas; No. 36, Joint resolution expressing sympathy with the people of Ireland; and we have to report that we find these resolutions correctly engrossed.

STUBBS, for committee.

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15 of the Code of Criminal Procedure, adopted February 21, 1879," was taken up, read third time and passed by the following vote:

YEAS—16.

Buchanan of Wood,	Hightower,	Powers,
Burges,	Lane,	Rainey,
Cooper,	Lightfoot,	Stubbs,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,		

NAYS—9.

Homan,	Martin of Cooke,	Stewart,
Houston,	Martin of Navarro,	Terrell,
Lair,	Shannon,	Tilson.

Senator Burges entered a motion to reconsider the vote just taken.

Senate joint resolution No. 30, "Amending section 30, article 16, of the Constitution, fixing the duration of all officers for a period of four years, except members of the Legislature and the judges of the Appellate and Supreme Courts," was taken up and read second time.

On motion of Senator Lane, the committee amendments were adopted and resolution ordered engrossed.

Senate joint resolution No. 32, proposing an amendment to section 23, article 16 of the Constitution of the State of Texas, substituting another section therefor, was taken up, read second time, and ordered engrossed.

Senator Gooch called up his motion to reconsider the passage of House bill No. 172 "Authorizing the county commissioners' court of Robertson county to issue bonds for the erection of a court house, and to levy a tax to pay for the same," made to-day. The vote was reconsidered.

Senator Gooch then offered the following amendment: Amend by striking out "Robertson county" and inserting "any county which has no court house at the county seat." Adopted by the following vote:

YEAS—24.

Burges,	Lane,	Shannon,
Cooper,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Harris,	Martin of Navarro,	Swain,
Henderson,	Moore,	Terrell,
Hightower,	Patton,	Tilson,
Homan,	Powers,	Weatherred,
Lair,	Rainey,	Wynne.

NAYS—2.

Buchanan of Wood, Houston.

Senator Gooch also offered the following amendment: Amend the caption by striking out "of Robertson county" and inserting "of the several counties of this State." Adopted by the following vote:

YEAS—23.

Burges,	Lane,	Shannon,
Cooper,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Powers,	Wynne.
Lair,	Rainey,	

NAYS—3.

Buchanan of Wood, Houston, Swain.

Bill repassed by the following vote:

YEAS—23.

Burges,	Lane,	Shannon,
Cooper,	Lightfoot,	Stewart,
Gooch,	Martin of Cooke,	Stubbs,
Harris,	Martin of Navarro,	Terrell,
Henderson,	Moore,	Tilson,
Hightower,	Patton,	Weatherred,
Homan,	Powers,	Wynne.
Lair,	Rainey,	

NAYS—2.

Buchanan of Wood, Houston.

NOT VOTING.

Swain.

On motion of Senator Lane, Senate adjourned till to-morrow morning at 10 o'clock.

## TWENTY-FIFTH DAY.

SENATE CHAMBER,  
AUSTIN, February 8, 1881. }

The Senate met pursuant to adjournment; Lieutenant-Governor Storey in the chair.

Roll called—quorum present.

Prayer by Rev. Mr. Brown, Chaplain of the House.

On motion of Senator Martin of Navarro, the reading of

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the journal of yesterday was dispensed with, and the same adopted.

Senator Powers, chairman of Committee on Public Claims and Accounts, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 7, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred petition of G. W. Jones, of McLennan county, after due consideration of the same, are of the opinion that the Constitution prevents a favorable report, as involving a measure of personal relief, and they therefore recommend that the committee be discharged from the further consideration of the subject.

POWERS, Chairman.

COMMITTEE ROOM,  
AUSTIN, February 7, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred the account of John N. Lyle against the State of Texas, for \$525.25, after a full examination of the same, instruct me to report it back to the Senate, with the recommendation that it be referred to Committee on Finance, as the subject matter of this account seems more applicable to that committee.

POWERS, Chairman.

Report adopted and claim so referred.

Senator Stewart, chairman of Judiciary Committee No. 2, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 126, a bill to be entitled "An act to amend article 1300, chapter 11, title 20 of the Revised Civil Statutes of the State of Texas," have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, with the recommendation that it do pass.

STEWART, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 132, a bill to be entitled "An act to repeal article 756, chapter 12, of title 17, of the Penal Code of the State of Texas," have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, with the recommendation that it do not pass.

STEWART, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 97, a bill to be entitled "An act to amend articles 942 and 946 of chapter 4, title 11, of the Code of Criminal Procedure," have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, with the recommendation that it do pass.

STEWART, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 116, a bill to be entitled "An act to prohibit the sale, exchange or gift, within this State, of intoxicating liquors, other than wines and malt liquors, except for medical purposes," have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, with the recommendation that it do not pass, because of being unconstitutional.

STEWART, Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, February 5, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 109, a bill to be entitled, "An act to annul section 2, of 'an act to require persons enclosing public free school lands, to pay an annual rent therefor, approved April 17, 1879,'" have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, with the following amendment: